



Order Filed on November 17,  
2016 by Clerk U.S. Bankruptcy  
Court District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

Brian S. Thomas, LLC  
Attorney at Law  
327 Central Avenue, Suite 103  
Linwood, New Jersey 08221  
Attorney for Debtor(s)  
By: Brian S. Thomas, Esquire BT7513

In Re:

**JOHN A. PURCELL  
EILEEN A. PURCELL**

Case No.: 16-20558

Adv. No.:

Hearing Date: November 29, 2016

Judge: Jerrold N. Poslusny, Jr.

**ORDER PERMITTING MODIFICATION OF FIRST MORTGAGE  
WITH JP MORGAN CHASE**

The relief set forth on the following pages, numbered two (2) through 2 is hereby **ORDERED**

**DATED: November 17, 2016**

A handwritten signature in dark ink, appearing to read "J. Poslusny", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.  
United States Bankruptcy Court

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Debtor: John A. Purcell and Eileen A. Purcell

Case No.: 16-20558/JNP

Caption of Order: Order Permitting Modification of First Mortgage with M&T Bank

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Upon application of the debtors seeking approval of a mortgage modification with M&T Bank, and the Court having considered the certification of the debtors and for the good cause shown, it is hereby **ORDERED** that

1. The Court hereby authorizes secured creditor and debtor to enter into a loan modification.
2. In the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, secured creditor shall amend the arrearage portion of its proof of claim to zero or withdraw the claim within thirty (30) days of completion of the loan modification.
3. The Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of loan modification and all money that would otherwise be paid to secured creditor, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the secured creditor that the modification was not consummated.
4. In the event the modification is not consummated, the secured creditor shall notify the Trustee and debtor's attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to secured creditor.
5. In the event the Proof of Claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order to other creditors in accordance with the provisions of the confirmed plan.
6. Debtors shall file an Amended Schedule J and Modified Plan within twenty (20) days of this Order.
7. Communication and/or negotiations between debtors and mortgagees/mortgage servicers about loan modification shall not be deemed as violation of the automatic stay; and any

such communication or negotiation shall not be used by either party against the other in any subsequent litigation.

8. Debtors to provide an executed copy of the Loan Agreement within ten (10) days of closing.

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
John A. Purcell  
Eileen A. Purcell  
Debtors

Case No. 16-20558-JNP  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Nov 18, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 20, 2016.

db/jdb +John A. Purcell, Eileen A. Purcell, 30 Mimosa Drive, North Cape May, NJ 08204-3525

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 20, 2016

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 18, 2016 at the address(es) listed below:

Brian S. Thomas on behalf of Debtor John A. Purcell brian@brianthomaslaw.com  
Brian S. Thomas on behalf of Joint Debtor Eileen A. Purcell brian@brianthomaslaw.com  
Charles G. Wohlrab on behalf of Creditor THE BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK as Trustee for CWHEQ Home Equity Loan Asset Backed Certificates, Series 2006-S4  
cwohrlab@logs.com, njbankruptcynotifications@logs.com  
Denise E. Carlon on behalf of Creditor M&T BANK dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,  
summarymail@standingtrustee.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
TOTAL: 6